

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated September 11, 2007.

Applicant respectfully requests copies of Applicant's Art Citation forms, submitted along with a Submission dated June 22, 2004 and the application filed on December 11, 2003, initialed and signed by the Examiner along with the next Office Action, since Applicant has not received those forms to date. Copies of the Applicant's Art Citation forms in question are enclosed herewith for the reference of the Examiner. Applicant requested these copies in the last filed Amendment dated July 12, 2007, but did not receive these copies with the Office Action, and the Office Action did not indicate that Information Disclosure Statements were attached.

Claims 23-46 were rejected under 35 U.S.C. §102(a) as being anticipated by Musikka, US2003/0012154. Reconsideration of the rejection is respectfully requested.

The Examiner, in the Response to Arguments section of the Office Action, (pages 7-8), did not respond to the argument of Applicant in the last filed Amendment dated July 12, 2007 regarding the feature of independent claims 23, 31, 32, and 40-46 that a base resource controller or a plurality of base resource controllers perform control dependent on the radio transmission scheme. Therefore, that argument is repeated below so that the Examiner may respond thereto.

Independent claims 23, 31, 32, and 40-46 provide that a base station resource controller or a plurality of base station resource controllers perform control dependent on the radio transmission scheme. The Examiner alleges that this feature is found in Musikka, citing paragraphs [0030], [0044]-[0045], and [0067]-[0074]. However, it is respectfully submitted that the equivalent in Musikka of the base station resource controllers in the independent claims is the base station controller (BSC) in a Global System for Mobile Communication (GSM) network, (paragraph [0004], lines 2, 7-8; paragraph [0005], lines 1-2), and a radio network controller (RNC) in a universal mobile telephony system (UMTS), (paragraph [0024], lines 4-7; paragraph [0025]; paragraph [0026], lines 6-8). Even though the RNC and the BSC are in two different radio transmission schemes, namely the UMTS system and the GSM system, respectively, their control plane is terminated in a radio network server (RN Server), (paragraph [0030], lines 3-7),

the RN Server being connected to an Internet protocol base station system, (paragraphs [0004], lines 3-6; [0007]; [0008], lines 1-2; [0010], lines 1-2).

Thus, it appears that Musikka teaches the use of base station resource controllers that perform a control independent of the radio transmission scheme, contrary to the requirement of the independent claims requiring that the base station resource controllers perform the control dependent on the radio transmission scheme.

Furthermore, in the Amendment dated July 12, 2007, Applicant set forth the following argument.

Independent claims 23, 31, and 41-43 provide that a terminal resource controller, that performs a control independent of a radio transmission scheme, manages a plurality of base station resource controllers performing control dependent on the radio transmission scheme, and independent claims 32, 40, and 44-46 provide that a plurality of terminal resource controllers, that perform a control independent of a radio transmission scheme, manage a base station resource controller performing control dependent on the radio transmission scheme. The Examiner indicates that the “terminal resource controller that performs a control independent of a radio transmission scheme,” (Office Action, page 2, paragraph 3, lines 3-4), is equivalent to the “user plane for both GSM and UMTS ... implemented in a common Media Gateway,” (Office Action, page 2, paragraph 3, lines 4-5), in Musikka.

However, there is no teaching, disclosure, or suggestion that the user plane for both GSM and UMTS implemented in a common Media Gateway (MGW) manages the BSC and the RNC, previously shown to be the equivalent in Musikka of the base station resource controllers in the independent claims. Such management by the MGW of the RNC and the BSC would be necessary for Musikka to provide an analog to the feature of independent claims 23, 31, and 41-43 that a terminal resource controller manages a plurality of base station resource controllers, and the feature of independent claims 32, 40, and 44-46 that a plurality of terminal resource controllers manage a base station resource controller.

Moreover, it is respectfully submitted that Musikka appears to teach away from any notion of the MGW managing the RNC and the BSC since it states, “[t]he IP-based GSM and UMTS system according to the present invention takes advantage of a server-gateway split of the

MSC, RNC (UMTS) and the BSC (GSM). Specifically, according to the invention, the control plane of the MSC is terminated in a MSC Server, the control plane of the RNC/BSC is terminated in an RN Server, and the user plane for both GSM and UMTS is implemented in a common Media Gateway (MGW),” (paragraph [0044], lines 1-8; emphasis supplied). Although all RN Servers can communicate with all MGWs, (paragraph [0072], lines 1-2), there is no teaching, disclosure, or suggestion in Musikka of the management of the RNC and the BSC by the MGW.

In apparent response to this argument, the Examiner quoted Applicant’s statement that “there is no teaching, disclosure, or suggestion in Musikka of the management of the RNC and the BSC by the MGW,” (Office Action, page 7, Response to Arguments, lines 4-5). The Examiner further stated that “Musikka teaches, a combination IP transport, severs [sic] GW split for both GSM and UMTS system and realizing that locating geographically all servers (control plane) at one location and to locate the end points such as radio base stations (RBSs) and media gateways (MGWs) at different locations depending on where the traffic load is found is provided. The severs [sic] GW, such that the server can be dimensioned according to the control plane load independently of the user plane load and vice versa for the MGWs (para. #0030-0032, 0044-0045, 0067-0074),” (Office Action, page 7, Response to Arguments, line 6, to page 8, line 4).

Applicant does not comprehend what exactly the Examiner is alleging that Musikka is teaching nor how any alleged teaching is responsive to Applicant’s argument. Applicant respectfully submits, based upon the above-quoted portion of Musikka from paragraph [0044], lines 1-8, that the RNC and the BSC are controlled by an RN server and that the MGW implements a user plane for both GSM and UMTS. Thus, it appears that the MGW does not control the RNC and the BSC, nor does it manage them.

Since each of claims 24-30 and 33-39 is directly or indirectly dependent upon one of independent claims 23 and 32, each of claims 24-30 and 33-39 is allowable over Musikka for the same reasons recited above with respect to the allowability of independent claims 23 and 32 over Musikka.

In view of the foregoing remarks, allowance of claims 23-46 is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
EFS FILING SYSTEM  
ON DECEMBER 10, 2007

Respectfully submitted,



---

MAX MOSKOWITZ  
Registration No.: 30,576  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700